* The State Superintendent of Public Instruction has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in ~~strikeout~~.

#  Title 5. EDUCATIONDivision 1. California Department of EducationChapter 11. Special ProgramsSubchapter 13. Independent Study

## Article 1. General Provisions

### § 11700. Definitions.

 (a) “Course-based independent study” means independent study instruction provided pursuant to Education Code section 51749.5.

 (~~a~~b) “Full-time equivalent certificated employees” means any combination of full-time certificated employees and part-time certificated employee assignments that aggregate to the amount of instructional time specified in the contract of a full-time certificated classroom teacher of the local educational agency~~district or county office of education~~.

 (~~b~~c ) “General supervision” means the supervising teacher's

 (1) ~~c~~Continuing oversight of the study design, implementation plan, allocation of resources, and evaluation of ~~pupil or adult education student progress for any~~each pupil's ~~or adult education student's~~ independent study progress and participation; and

 (2) ~~p~~Personal determination or personal review of the determination made by another certificated teacher of the time values for apportionment purposes of each pupil's ~~or adult education student's~~ work products.

 (~~c~~d) “Independent study” means an alternative to classroom instruction consistent with the ~~district's~~ local educational agency's approved course of study.

 (e) “Independent study agreement” means the pupil’s independent study education plan and shall include the written agreement pursuant to subdivision (g) of Section 51747 and the learning agreement pursuant to subdivision (b) of Section 51749.6.

 (~~d~~f) “Independent study is an optional educational alternative in which no pupil may be required to participate” means that pupils shall not be assigned, required, or otherwise coerced into enrolling in an independent study program, including as part of a disciplinary matter. In addition:

 (1) ~~w~~With regard to school districts or county offices of education~~, that~~:

 (A) ~~they~~ School districts or county offices of education are not required to offer independent study unless specifically provided by law;~~,~~ and

 (B) ~~s~~School districts or county offices of education that do offer independent study are not obliged to permit a pupil ~~or adult education student~~ to engage in independent study if school officials given responsibility for the decision determine that independent study is not an appropriate alternative for the pupil ~~or adult education student~~; and,

 (2) With regard to pupils: ~~or adult education students,~~

 (A) ~~a~~A pupil's ~~or an adult education student's~~ choice to commence, or to continue in, independent study must not be coerced and shall always be voluntary~~,~~; and

 (B) ~~i~~In the case of a pupil who is referred or assigned to any school, class, or program pursuant to Education Code sections 48915 or 48917, and to the extent that independent study is not prohibited, instruction may be provided to the pupil through independent study only if the pupil has the continuing option of classroom instruction.

 (g) “Long-term independent study” means a pupil’s participation in independent study for 15 or more schooldays in a school year.

 (~~e~~h) “Method utilized to evaluate” means any specified procedure through which a certificated teacher personally assesses the extent to which achievement of the pupil ~~or adult education student~~ meets the objectives of an assignment.

 (~~f~~i) “Methods of study” means the pupil ~~or adult education student~~ activities selected by the supervising teacher as the means to reach the educational objectives set forth in the ~~written~~ independent study agreement.

 (~~g~~j) “Missed assignment” means any ~~specified~~ independent study assignment that has not been turned in, or evidenced as completed, by a pupil ~~or adult education student~~ by the due date for the assignment in accordance with provisions in the independent study agreement as provided in Education Code sections 51747(g) and 51749.6.

 (k) “Nonparticipatory” refers to a pupil not engaging in the opportunities for live interaction and/or synchronous instruction as required by grade level pursuant to Education Code section 51747.

 (1) Engagement includes interaction with classified or certificated staff or two-way communication between the certificated teacher and the pupil pursuant to Education Code section 51745.5.

 (2) Local educational agencies may adopt board policies for requirements associated with other auditory, visual, and/or chat features.

 (~~h~~l) “Regular school program” means the classroom-based instructional program or its equivalent that a pupil ~~or adult education student~~ would have attended had the pupil ~~or adult education student~~ not elected independent study.

 (m) “Short-term independent study” means independent study participation that is scheduled for 14 or fewer cumulative school days in one school year.

 (~~i~~n) “Specific resources” include all resources, including connectivity and devices, as well as other materials and services, reasonably necessary ~~to~~ for the achievement of the objectives in the ~~written~~ independent study agreement, and shall not be construed to exclude resources normally available to all pupils ~~or adult education students~~ on the same terms ~~as the terms~~ and conditions that resources are ~~on which they are normally~~ available to ~~all~~ pupils ~~or adult education students~~ in the regular school program.

 (~~j~~o) “Supervising teacher” means the certificated teacher employed by the ~~school district or county office of education~~ local educational agency and assigned, as noted in the ~~written~~ independent study agreement, the responsibility for coordinating, evaluating, and providing general supervision of a pupil's ~~or adult education student's~~ independent study pursuant to Education Code sections 51747.5(a) and 51749.5(a)(3).

 (p) “Traditional independent study” means independent study instruction provided pursuant to Education Code Section 51747.

 (~~k~~q) “Type of program” means statutory program category for purposes of attendance accounting.

(r) “Virtual instruction” is a learning environment in which pupils receive instruction and do their work through electronic means from home or other nonclassroom based setting. The content is designed for self-paced (asynchronous) or live (synchronous) online teaching allowing for feedback and engagement from the instructor.

 (~~l~~s) “Work product” means that which results from a pupil's ~~or adult education student's~~ efforts and actions to complete or perform the assignments given and which is subsequently evaluated by a certificated teacher.

NOTE: Authority cited: Section 51749.3, Education Code. Reference: Sections 48200, 48663, 48916.1, 49067, 51745, 51746, 51747, ~~and~~ 51747.5, 51748, 51749.5 and 51749.6, Education Code.

### § 11701. ~~District~~ Local Educational Agency Responsibilities.

 (a) In setting policy pursuant to ~~subdivisions (a) and (b) of~~ Education Code sections 51747and 51749.5, the local governing board shall consider, in a public hearing, the scope of its existing or prospective use of independent study as an instructional strategy, its ~~purposes in authorizing~~ assurances to support the implementation and maintenance of independent study, the minimum length of time by grade level for the delivery of daily live interaction and synchronous instruction, and factors bearing specifically on the maximum realistic lengths of assignments and acceptable number of missed assignments for specific populations of pupils. ~~or adult education students~~. Adopted policies shall reflect an awareness that excessive leniency in the~~ir~~ terms can result in pupils falling so far behind ~~their age peers~~ as to ~~increase, rather than decrease, the risk of their dropping out of school.~~ decrease, rather than increase, a pupil’s ability to make the required satisfactory educational progress.

 (b) Local educational agencies may establish instructional methods that include, but are not limited to, paper or virtual assignments, lectures, videos, simulcasting, interactive curriculum, and other types of instruction. Instructional methods shall meet the specific instructional needs for pupils with disabilities, English learners, pupils experiencing homeless, foster youth, and other pupils requiring accommodation. Local educational agencies should utilize best practices to maximize the pupil’s learning and mastery.

 (1) Contracted vendors may supplement the instruction, but shall not be the primary provider of the independent study instruction. This supplemental instruction shall not be counted as synchronous instruction.

 (c) Local educational agencies shall consult with the pupil’s parent or guardian (if the pupil is under 18 years of age) and shall obtain a signed and dated supplemental agreement when making any changes to the original agreement, as needed to support the pupil in making educational progress.

NOTE: Authority cited: Section 51749.3, Education Code. Reference: Sections 51745.5, 51747~~(a) and (b)~~, 51747.5 and 51749.5, Education Code.

### § 11701.5. Equitable Provision of Resources and Services.

Consistent with the statutory authorization to offer independent study as an alternative instructional strategy to meet the educational needs of pupils:~~,~~ ~~or adult education students,~~

 (a) ~~t~~The instructional content provided through independent study shall be aligned to grade level standards ~~option is to be~~ substantially equivalent ~~in quality and in quantity~~ to ~~classroom~~ in-person instruction, thereby ensuring that a pupil ~~or~~ ~~adult education student~~ who engages in independent study on a full-time basis, or on a part-time basis in conjunction with part- or full-time classroom study, will be enabled to complete the ~~district or county office of education~~ local educational agency’s adopted course of study within the customary time frame for completion of that course of study;

 (b) ~~p~~Pupils ~~or adult education students~~ who choose to ~~engage~~ participate in independent study are to have the same access to existing services and resources as the other pupils ~~or adult education students~~ of the school in which the independent study pupil ~~or adult education student~~ is enrolled; ~~and~~

 (c) ~~p~~Pupils ~~or adult education students~~ who choose to ~~engage~~ participate in independent study ~~are to~~ shall have equal~~ity of~~ rights and privileges ~~with the~~ as pupils ~~or adult education students~~ of the ~~district or county office of education~~ local educational agency who participate in ~~choose to continue in~~ the regular school program; and

 (d) Early intervention strategies shall be utilized for any pupil who is not making satisfactory educational progress. These strategies may include academic and other supports, but should be tailored to the individual needs of the pupil.

NOTE: Authority cited: Section 51749.3, Education Code. Reference: Sections 35293, ~~37202,~~ ~~46100,~~ 51745, 51746, ~~and~~ 51747~~.3,~~ and 51749.6, Education Code.

## Article 2. Standards for Independent Study

### § 11702. Requirements for Agreements.

 (a) Unless otherwise provided by law, ~~E~~each signature required for an independent study agreement shall be dated. An agreement is not in effect until it is complete as to all terms, signed, and dated.

 (b) Supplemental independent study agreement(s) shall follow the signature requirements of the original agreement.

 (~~b~~c) The curriculum and methods of study specified in an independent study agreement shall be consistent with the ~~district or county office of education~~ local education agency’s policies and procedures for curriculum and instruction as adopted by the governing board.

 (d) Assignments submitted after the due date are eligible for academic credit only.

 (e) A pupil that is nonparticipatory in synchronous instruction remains able to generate attendance in traditional independent study if they have completed and submitted sufficient work product by the assigned due date that substantiates the time value of a minimum day of instruction and if they comply with all other conditions of traditional independent study.

NOTE: Authority cited: Section 51749.3, Education Code. Reference: Sections 51013, 51050, 51745, 51746, ~~and~~ 51747, 51747.5, 51749.5 and 51749.6, Education Code.

### § 11703. Records.

 (a) Maintaining records to meet audit requirements is the responsibility of the local educational agency~~district or county superintendent's office~~. ~~These~~Pupil records may be kept on site(s).

 (b) Records shall include but not be limited to:

 (1) A copy of adopted governing board policy and procedures.

 (2) A separate listing of the pupils ~~and adult education students,~~ by grade level, program and school, who have ~~engaged~~ participated in independent study, identifying units of the curriculum undertaken and units of the curriculum completed by each ~~of~~ ~~those~~ pupil~~s~~ in transitional kindergarten ~~and~~ through grades 1 to 8, inclusive, and identifying course credits attempted by and awarded to each of ~~those~~the pupils in grades 9 to 12, inclusive, ~~and each of those students in adult education,~~ as specified in their ~~written~~ independent study agreement~~s~~.

 (3) File of agreements shall include:

 (A) For traditional independent study, ~~A~~a file of all agreements, including representative samples of each pupil's ~~or adult education student's~~ work products ~~bearing signed or initialed and dated~~ , which may include notations by the supervising teacher indicating the personal evaluation of ~~that he or she has personally evaluated~~ the work, or the personal review of ~~that he or she has personally reviewed~~ the evaluations made by another certificated teacher, unless otherwise specified in law.

 (i) Local educational agencies shall determine what constitutes a representative work product sample.

 (ii) Work sample practices should be consistent among teachers within the local educational agency.

 (iii) Local educational agencies shall set rules for work sample selection related to frequency and the number of samples by subject or unit of work.

 (B) For course-based independent study, a file of all agreements, including evidence of the pupil’s satisfactory educational progress for each course, and if a pupil was not making satisfactory educational progress, evidence of an evaluation to determine if the pupil shall remain in the course.

 (4) Attendance records shall include:

 (A) For traditional independent study, a~~A~~ daily or hourly attendance credit register, as appropriate to the program in which the pupils ~~or adult education students~~ are enrolled, separate from classroom attendance records, and maintained on a current basis as time values of pupil ~~or adult education student~~ work products ~~are~~ personally judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons.

 (B) For course-based independent study, an attendance register for pupils enrolled in one or more courses whereby attendance is separately computed and recorded as average daily attendance.

NOTE: Authority cited: Section 51749.3, Education Code. Reference: Sections 51747, 51747.5, ~~and~~ 51748, and 51749.5, Education Code.

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